

# CITY OF SAN BRUNO



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## STAFF

Tambri Heyden, AICP, *Community Development Director*  
Aaron Aknin, AICP, *Planning Manager*  
Mark Sullivan, AICP, *Housing and Redevelopment Manager*  
Beilin Yu, *Associate Planner*  
Tony Rozzi, *Assistant Planner*  
Lisa Costa-Sanders, *Contract Planner*  
Cathy Hidalgo, *Recording Secretary*  
Pamela Thompson, *City Attorney*

## PLANNING

### COMMISSIONERS

Sujendra Mishra, *Chair*  
Rick Biasotti, *Vice-Chair*  
Commissioners:  
Mary Lou Commissioner  
Johnson  
Bob Marshall Jr.  
Perry Petersen  
Kevin Commissioner  
Chase  
Joe Commissioner  
Sammur

## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING COMMISSION MINUTES

**MAY 16, 2006**

San Bruno Senior Center  
1555 Crystal Springs Blvd.  
7:00 P.M. to 10:00 P.M.

**CALL TO ORDER at 7:00 pm.**

### **ROLL CALL**

	<u>Present</u>	<u>Absent</u>
Chair Mishra	X	
Vice Chair Biasotti	X	
Commissioner Chase		
Commissioner Johnson	X	
Commissioner Marshall		X
Commissioner Petersen		X
Commissioner Sammut	X	

### **STAFF PRESENT:**

Planning Division: Community Development Director: Tambri Heyden  
Planning Manager: Aaron Aknin  
Associate Planner: Beilin Yu  
Assistant Planner: Tony Rozzi  
Community Dev. Recording Secretary: Cathy Hidalgo  
City Attorney: Pamela Thompson

Pledge of Allegiance: Vice Chair Biasotti

### **A. Approval of Minutes – MAY 2, 2006**

**Motion to Approve Minutes of May 2, 2006 Planning Commission meeting.**

**Commissioner Sammut/Biasotti**

VOTE: 4-0  
AYES: MISHRA; BIASOTTI; JOHNSON; SAMMUT  
NOES: None  
ABSTAIN: None

**B. Communication**

The agenda and last meetings minutes can be viewed on line at [www.sanbruno.ca.gov](http://www.sanbruno.ca.gov)

Starting next Planning Commission Meeting, the packets will be on line also.

**C. Public Comment**

None at this time.

**D. Announcement of Conflict of Interest**

Item E5 – Chair Mishra will recuse.

**E. Public Hearings**

**1. 2460 Whitman Way**

**Request for a Use Permit to allow the construction of an addition which increases the gross floor area by more than 50%, per Section 12.200.030.B.1 of the San Bruno Zoning Ordinance. Michael Chang (Applicant); Alice Tseng (Owner). UP-05-74**

*Associate Planner Yu* entered staff report.

Staff Recommends approval of Use Permit 05-74 based on Findings of Fact (1-7) and Conditions of Approval (1-16).

*Chair Mishra* asked Commission if there were any questions for staff.

None.

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Applicant:* Applicant introduced, Michael Tseng. Describe project as a single story addition to the rear of the existing residence, 1277 square foot addition that will not be seen from the street. It will match the existing characteristics. Architect introduced Michael Chang, briefly described project.

*Chair Mishra* asked Commission if there were any questions for applicant.

*Chair Mishra:* To applicant. Have you read the conditions of approval and do you agree with them?

*Applicant:* Responded yes.

*Commissioner Johnson:* To applicant. Regarding the color palette. Are the existing colors tying in with the addition.

*Applicant:* Responded that all colors will match.

Public Comment opened.

1<sup>st</sup> Speaker-Richard Erickson, 2451 Whitman, neighbor. Problem is the massive amount of what they are trying to build. There will be no parking in the neighbor, that is his number one concern. Has pictures of some of their vehicles now on the street. (presented to the Commission). It seems they are trying to build a tenant house, way beyond the neighborhood. They already have one of the largest houses on the street and there are too many people. On Thursday, street cleaning, all cars parked across the street. Concern is the parking and the size of the house. Too many people are going to be there all the time. People visiting all the time. Likes the low profile neighborhood and to keep it low crime. Is this going to be a tenant house or a family addition? He noticed three different names for ownership on the property. It has

always been a low profile neighborhood. The addition is  $\frac{3}{4}$  size of his home. Reduce size, but objects to the present size, against the large addition.

***Commissioner Chase now present.***

2<sup>nd</sup> Speaker, Robert Cutone, rear neighbor, 2451 Princeton Drive, which is at the rear of the property. At the rear there is an open area public access with lots of trees. What is going to happen to those trees? Serious concern. Believes the neighbors will have problems too. If the trees are removed it will effect the winds. Has spent lots of money on his backyard, paradise, entertains a lot. If any of the existing trees are tampered with it could cause a problem.

Public Comment closed.

Commission for discussion.

*Commissioner Johnson:* To staff, do you know anything about the trees? Are there any trees that are going to be removed? And can you explain the tree ordinance within the city.

*Associate Planner Yu:* responded that they are not aware of the removal of trees. Asked applicant to address.

*Michael Chang:* Responded that the existing trees will remain. The setback to the fence is more than 41 feet from the fence. No conflict with existing trees.

*Commissioner Johnson:* Stated that the questions based on the specifics from the public, they meet all the criteria, adds that when they look at a project they follow the guidelines and if it meets the criteria, it appears that this project meets all the guidelines, however all concerns have been addressed they can not address how many people live in a house, and she supports the project.

*Chair Mishra:* commends applicant and designer for taking all ARC comments into consideration and redesigning the project.

*Commissioner Johnson:* Commented that when you have a 6-bedroom home there is a concern for parking. All the requirements are met.

**Motion to approve Use Permit 05-74 based on Findings of Fact (1-7) and Conditions of Approval (1-16).**

**Commissioner Sammut/Commissioner Chase**

VOTE:	5-0
AYES:	MISHRA; BIASOTTI; CHASE; JOHNSON; SAMMUT
NOES:	None
ABSTAIN:	None

**FINDINGS OF FACT**

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
2. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the addition will require the applicant to obtain a building permit and all work will be constructed according to the Uniform Building Code.

3. The proposed addition will be an improvement to the existing structure and the upgrades to the property should have a beneficial impact on surrounding property values and not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the City.
4. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.
5. The proposed addition meets all minimum setback requirements per the San Bruno zoning ordinance, the proposal will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.
6. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.
7. The proposed expansion complies with applicable off-street parking standards of the San Bruno zoning ordinance.

#### **CONDITIONS FOR APPROVAL**

##### **Community Development Department - (650) 616-7074**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 05-74 shall not be valid for any purpose. Use Permit 05-74 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on May 16, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this

condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

**Department of Public Works – (650) 616-7065**

8. No fence, retaining wall, or other permanent structure to be placed within 4'-6" from back of sidewalk. S.B.M.C. 8.08.010
9. Upgrade a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
10. Storm water from new and existing roof down-spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
11. Planting of one 36-inch box size approved tree or payment of \$540.00 each to the in-lieu replacement tree fund. S.B.M.C. 8.24.060
12. During the Building/Planning Review or site visit, it was noticed that you have a structure (brick planter) built within the City public right-of-way. In accordance with S.B.M.C. 8.08.010 and 5.04.070, this structure is prohibited. You are not required to remove it at this time but you need to be aware that it may be located over top of a public utility. If an emergency does arise that requires City or approved contractor crews to access this utility, the City and or contractor, will not be responsible for any cost associated with the removal or repair of the structure. S.B.M.C. 10.08.100
13. There is a 15'-0" PUE at rear of lot on drawings. Do not place construction materials or soil on easement.

**Fire Department - (650) 616-7096**

14. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
15. Provide hardwired smoke detectors with battery backup to all bedrooms and hallways.
16. Provide spark arrestor for chimney.

**Chair Mishra advised of a 10-day appeal period.**

**2. 2530 Rosewood Drive**

**Request for a Use Permit to allow the construction of an addition which exceeds the .55 floor area ratio guideline per Section 12.200.030.B.2 of the San Bruno Zoning Ordinance. Norina Florendo (Applicant); Antonio and Maria Santiago (Owners). UP-06-04**

*Assistant Planner Rozzi* entered staff report.

Staff Recommends approval of Use Permit 06-004, based on Findings of Fact 1-7 and Conditions of Approval 1-19.

*Chair Mishra* asked Commission if there were any questions for staff.

*Commissioner Chase:* To staff, looking at report, the total living would be 2,793 sq. ft, excluding the garage, and on the table it shows 3,246.5 sq ft., just under the guideline for additional parking, is it normal to exclude the garage for FAR?

*Assistant Planner Rozzi:* Responded that it is normal.

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Applicant:* Applicant introduced, Norina Florendo, designer. Expanding the kitchen and dining room and adding two bedrooms. Plans to match the existing exterior finish.

*Chair Mishra* asked Commission if there were any questions for applicant.

*Commissioner Chase to applicant.* Comments that from ARC the comments were taken to heart, thanks for paying attention. Looks like a good project.

*Commissioner Johnson:* Question to applicant has colors been chosen.

*Applicant:* Responded not yet decided color but within the family of colors in the cream and beige family.

Public Comment opened.

Public Comment closed.

Discussion of Commission.

*Commissioner Sammut:* To Staff, on the conditions of approval number 8 – is that statement boiler plate and not part of this application?

*Assistant Planner Rozzi:* Responds to strike condition.

**Motion to approve Use Permit 06-004, based on Findings of Fact 1-7 and Conditions of Approval 1-19, striking number 8**

**Commissioner Chase/Commissioner Sammut**

VOTE:	5-0
AYES:	MISHRA; BIASOTTI; CHASE; JOHNSON; SAMMUT
NOES:	None
ABSTAIN:	None

**FINDINGS OF FACT**

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
2. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the addition will require the applicant to obtain a building permit and all work will be constructed according to the Uniform Building Code.
3. The proposed development will benefit the adjacent property values through investment and not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the City. The proposal generally complements the current neighborhood design, both in scale and with its architectural features and is consistent with other homes found in the neighborhood.
4. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.
5. Because the proposed addition meets all minimum setback requirements per the San Bruno zoning ordinance, the proposal will not unreasonably restrict or interfere with light

and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.

6. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.
7. The proposed expansion complies with applicable off-street parking standards of the San Bruno zoning ordinance.

## **CONDITIONS FOR APPROVAL**

### **Community Development Department - (650) 616-7074**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 06-004 shall not be valid for any purpose. Use Permit 06-004 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on May 16, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. ~~Prior to approval of this project, applicant shall redesign the garage to be a standard, two-car garage with a 20'-0" wide entrance. At such time, staff will then refer the application back to the Architectural Review Committee for final review and approval.~~

### **Department of Public Works – (650) 616-7065**

9. No fence, retaining wall, or other permanent structure to be placed within 4'-5" from back of sidewalk. S.B.M.C. 8.08.010
10. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010
11. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
12. Storm water from new and existing roof down-spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
13. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter. S.B.M.C. 10.14.020/080/110
14. City approved backflow required for domestic and irrigation. Include calculations showing existing or new meter size will be sufficient for required flow. Show location of backflow unit(s) on plans. California Code of Regulations Title 17, U.P.C. 603, S.B.M.C. 10.14.110
15. During the Building/Planning Review or site visit, it was noticed that you have a structure (brick planter wall) built within the City public right-of-way. In accordance with S.B.M.C. 8.08.010 and 5.04.070, this structure is prohibited. You are not required to remove it at this time but you need to be aware that it may be located over top of a public utility. If an emergency does arise that requires City or approved contractor crews to access this utility, the City and or contractor, will not be responsible for any cost associated with the removal or repair of the structure. S.B.M.C. 10.08.100
16. There is a 15'-0" PUE at rear of lot on drawings. Do not place construction materials or soil on easement.

**Fire Department - (650) 616-7096**

17. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
18. Provide hardwired smoke detectors with battery backup to all bedrooms and hallways.
19. Provide spark arrestor for chimney.

**Chair Mishra advised of a 10-day appeal period.**

**3. 777 Kains Avenue**

**Request for a Use Permit to allow a airport related corporate parking lot & long term vehicle storage lot at the subject site per Section 12.96.110.C.14 of the San Bruno Zoning Ordinance. Perry Brandon (Applicant) / GW Williams (Owner). UP-06-06**

*Planning Manager Aknin entered staff report.*

Staff Recommends approval of Conditional Use Permit 05-78, based on Findings of Fact 1-3 and Conditions of Approval 1-27. *Additional Conditions:* **28.** Applicant shall allow library patrons continue to use the nine (9) parking spaces along Angus Avenue and Linden Avenue as indicated on site plan. **29.** Applicant is required to maintain the subject property and keep all of areas free of trash and debris. The condition requires maintenance of the perimeter of the site, outside of the fenced parking lot area. Presented to Planning Commission.



*Chair Mishra* asked Commission if there were any questions for staff.

*Commissioner Chase:* Question, no signage allowed on Kains?

*Planning Manager Akin:* Responded, no on Linden, so the signage is allowed on the property on Kains only.

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Applicant:* Applicant introduced Perry Brandon, representing Bay Storage. Use for carport concierge. Have a clientele from another site and they are expanding. The transition of the vehicles may be a concern to the neighborhood is minimal since storage can be as long as 18 months. A third party, no storage of a shuttle bus on site, will do any type of shuttle. It is the applicant's intention to enhance the landscaping and use a ground cover on the property that requires low maintenance and will add flowers. Agree to all the conditions, planning on replacing the fence. Regarding neighbor concerns, there will not be RV storage, that facility is in San Francisco.

*Chair Mishra* asked Commission if there were any questions for applicant.

*Commissioner Johnson:* Asked applicant to please expand on business you currently have. Regarding the hours of operation, Monday through Saturday, 8:30 am to 6:00 pm and Sunday from 10:00 am to 5:00 pm. How will the hours meet flight schedules?

*Applicant:* Responded that service goes beyond dropping off and picking up, we actually will be delivering vehicles to their homes. A drop off will be arranged around the client's schedule. If flight is coming in at 10 the vehicle will be delivered earlier.

*Commissioner Johnson:* Questioned, having a 102 spaces, what is the time frame of filling the spaces?

*Applicant:* Responded by the end of August will be full.

*Commissioner Johnson:* Questioned the percentage of short term, long term?

*Applicant:* Responded 25% for short term. 3 months to 18 for the remainder of the business at 75%. It has been built more on the level of service rather than the service itself. There are numerous airport parkings in the area, they are not competing with these facilities.

*Commissioner Johnson:* Questioned the long term vehicles, are they operable?

*Applicant:* Responded that they will maintain the vehicles.

*Commissioner Johnson:* Questioned any towing service.

*Applicant:* Responded, No. There is a contracted service if needed, not on site. The Sunday operating hours are tentative for the time being, prefer to not open Sundays.

*Commissioner Johnson:* Stated, understands that they will not be accepting any non-operable cars being towed to their location.

*Applicant:* Responded, absolutely not.

*Vice Chair Biasotti:* Questioned Public Works Condition #10 – do you have a pollution control plan in place?

*Applicant:* Responded will check with Architect, there is no plan at the moment.

*Vice Chair Biasotti:* Do you have one at your other facility

*Applicant:* currently rents space from the department of defense. A lot of this is taken care of by the owner of the property.

*Planning Manager Akin:* Responded, the pollution plan since there are cars on the lot, we want to make sure that all the storm drains are properly filtered. We will want a plan to make sure this is going to be dealt with and we will work with the applicant to make sure an effective plan is in place.

*Commissioner Johnson:* Question, did San Bruno Ford have that type of plan?

*Planning Manager Akin:* No, when the use was done the storm water requirements weren't in place.

*Applicant:* Fully aware that there is requirements due to local laws and requirements. And is aware that they will have to meet those requirements.

Public Comment opened.

1<sup>st</sup> Speaker, Bill Streich, 801 Reid Avenue – Staff done a good job with concerns. Why storage near residential area when there are so many facilities around the airport and should be trying to encourage to use BART. Main concern is security, a lot of graffiti, bottles thrown around the alley there. Security, with collector's cars could encourage people to enter, since the fences are not a deterrent. Security has not been addressed. If storing a collector's car, why would they store outside in an empty lot? Landscaping and debris has been an issue before and enforcing the conditions has been an issue in the past. GW Williams hasn't kept up his end of the bargain, and when a tenant isn't there you would think the property owner's obligation to keep up the property would be enforced until leased, and they haven't done so. We have made several calls to City Hall and it has taken several months to get anything done, so we hope some enforcement on City Hall's part, even though it is in writing, enforcing the conditions has been a problem within the City. Being that this lot is a block from City Hall, you would think they would have more concern about the appearance going to City Hall, The cyclone fence was a big mistake and I think they realize that now with the shopping carts and trash and cars being parked there for days, which takes away from City Hall and Library parking. Traffic exiting the property, unclear to the freeway access route. The blind corner on Reid from Linden is a concern with children coming to and from school. Would like a service that would benefit the city and the community. This business seems okay, but what benefits does the city receive?

Public Comment closed.

Commission for discussion.

**Motion to approve** Conditional Use Permit 06-06, based on Findings of Fact 1-3 and Conditions of Approval 1-27. **Adding 28 & 29, striking #16 and the shuttles since they will not be having a service.**

**Commissioner Chase/Commissioner Sammut**

VOTE:	5-0
AYES:	MISHRA; BIASOTTI; CHASE; JOHNSON; SAMMUT
NOES:	None
ABSTAIN:	None

## FINDINGS OF FACT

1. ***The use of this property as a vehicle storage lot will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use;***

The proposed use will fit in well the surrounding area which includes retails uses, commercial uses, and residential uses. In addition, this site had also been used for an auto related use in the past. The application has been conditioned to minimize the impact of this business on the surrounding neighborhood. Conditions include fencing the perimeter of the site for safety and aesthetic reasons, limiting the hours of operation, and minimizing the noise associated with the business. Landscaping will also be improved along Linden Avenue and installed along White Way. With the conditions, this application will not be detrimental to the health, safety, morals, comfort and general welfare of the neighborhood.

2. ***The proposed use of this property as a vehicle storage lot will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city; and***

The proposed use of this site as a vehicle storage lot will be compatible with the surrounding area which include retail, office and residential uses. In order to separate the storage facility from the surrounding uses, a 6' slatted fence is required per the conditions of approval. To further separate the lot from the residential uses, the property owner is also required to re-landscape the planting area along Linden Avenue. To improve the appearance of the business from the El Camino Real, a new fence and landscaping will be installed along White Way. The business plan also lends itself to being compatible with the surrounding area. By taking clients by appointment only, and having employees park the automobiles, traffic, parking and noise impacts will be minimized. Therefore as proposed, and with the attached conditions of approval, the vehicle storage facility will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city

3. ***The use of this property as a vehicle storage lot will not be inconsistent with the general plan.***

The General Plan designates this site for commercial purposes which allows for convenience and retail commercial uses, professional services, hospitals, offices, furniture stores, whole-sale retail trade, and auto-related uses. The proposed vehicle storage lot is an auto related use, and therefore consistent with the General Plan.

## CONDITIONS FOR APPROVAL

### General Conditions

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary Hearing" to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Use Permit 06-06 shall not be valid for any purpose. Use Permit 06-06 shall expire one (1) year from the date of approval unless the plan is executed.
2. The vehicle storage use shall be conducted according to the plans accompanying this report and approved by the Planning Commission, except as required to be modified by

these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Community Development Director.

3. The applicant and any successor in interest, shall agree to operate the vehicle storage lot in the manner as described in the staff report and in the applicant's support statement. Any deviation or change in business activities shall require prior authorization by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.

#### **POLICE DEPARTMENT CONDITIONS**

4. All retail/commercial building addresses shall be visible during the hours of darkness with the address numbers being a minimum of 8" numbers.
5. Adequate lighting of parking lots and associated car ports, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings shall be provided with enough lighting of sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe secure environment for all persons, property, and vehicles on site.
6. Landscaping shall be of the type and situated in locations to maximize observation while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines.
7. The proposed parking lot shall be completely enclosed with a 6' slatted fence to the satisfaction of the Police and Community Development Departments.
8. The applicant shall have a security plan approved the Police Department prior to operating the business. The Police Department highly recommends having a security guard present at all times.

#### **FIRE DEPARTMENT CONDITIONS**

9. Provide Knox Box Keyed System for access to parking lot gates for Fire Department Entry. Applicant must obtain an application for a Knox Box from the Fire Department.

#### **PUBLIC WORKS CONDITONS**

10. An erosion control plan and pollution plan is required. The plan must indicate that all existing storm drain inlets and other storm water collection locations must be protected by silt screens or a silt fence.

#### **PLANNING DIVISION CONDITONS**

11. All lighting onsite must point away from the adjacent residential neighborhood.
12. Applicant or property owner must turn in a landscaping plan for the rear planting strip along Linden Avenue. This plan must show new landscaping to replace all dead landscaping currently onsite. The landscaping plan shall be approved by the Planning Division and installed prior to operation of business.
13. A 5' landscaping strip shall be installed along White Way, parallel to the eastern edge of the property. Landscaping plan shall be approved by the Planning Division and installed prior to operation of business.

14. Landscaping shall be maintained to the satisfaction of Planning Division staff. Failure to properly maintain the landscaping and buffer the site from residential uses could result in revocation of use permit.
15. All vehicles stored onsite must be fully operable.
16. All vehicles associated with this business, including, but not limited to customer automobiles, employee automobiles, and the shuttle must be parked entirely onsite and not in nearby residential or commercial neighborhoods.
17. All customer automobiles must be dropped off by appointment only.
18. Applicant shall submit for a sign permit.
19. Applicant is responsible for paying an 8% tax for airport related uses.
20. Clients dropping off automobiles must park in legally designated parking spaces. Clients' cars must immediately be parked in the subject parking lots by an employee.
21. Signage is only allowed on the Kains Avenue store front.
22. No amplified paging system is allowed.
23. The hours of operation shall not exceed:  
MON-SAT: 8:30 AM – 6:00 PM  
SUNDAY: 10:00 AM – 5:00 PM
22. Any modification to the hours of operation require the approval of the Community Development Director. All vehicle pick-up and drop-offs must be made during the business hours listed in condition #23.
23. No one may spend the night onsite (security excluded).
24. No automobile washing is allowed onsite.
25. No vehicle repair or body work is allowed onsite.
26. The site shall be used for vehicle storage only. No miscellaneous storage is allowed onsite.
27. Employees shall use White Way via Kains Avenue or Angus Avenue to access the parking lot. Vehicles associated with the business shall not travel on Linden Avenue.
28. Applicant shall allow library patrons continue to use the nine (9) parking spaces along Angus Avenue and Linden Avenue as indicated on site plan.
29. Applicant is required to maintain the subject property and keep all of areas free of trash and debris. The condition requires maintenance of the perimeter of the site, outside of the fenced parking lot area.

**Chair Mishra advised of a 10-day appeal period.**

**4. 1150 El Camino Real, Suite 221**

**Request for a Use Permit to allow alcoholic beverage sales in conjunction with an existing restaurant use per San Bruno Ordinance 1685. Tony Wong/Saigon Cuisine (Applicant); The Shops at Tanforan (Owner) UP-06-13**

*Associate Planner Yu entered staff report.*

Staff Recommends approval of Use Permit 06-13, based on Findings of Fact 1-7 and Conditions of Approval 1-16.

*Chair Mishra* asked Commission if there were any questions for staff.

*Commissioner Chase:* Realizing it is within the food court, is this restaurant enclosed or in the food court?

*Associate Planner Yu:* Responded, enclosed, within the tenant area.

*Mishra:* Questioned is it on the 2<sup>nd</sup> floor?

*Associate Planner Yu:* Responded, correct.

*Commissioner Sammut:* There might be one or two items on the conditions of approval that are boiler plate and don't apply to this applicant. Condition #11, from police, do business have address numbers visible from the street? Condition #12 is out of their control as well, this is a shopping center issue.

*Associate Planner Yu:* Responded that we can strike 12 and revise number 11 wording.

*Commissioner Sammut:* No 4 – change the wording, they are not really responsible for any outside maintenance of the debris.

*Associate Planner Yu:* Responded to change to the "*front of the tenant space*".

*Commissioner Johnson:* Question, #4, at the rear of the building, are they responsible for the their own trash?

*Associate Planner Yu:* Responded need to check with tenant as well as the mall management; if so then we can keep the wording.

*Commissioner Chase:* They normally have the corridors and they remove their garbage to an area outside. We should be okay with the wording.

*Commissioner Sammut:* Question, this restaurant is up and running without alcohol, they want to sell beer and wine?

*Associate Planner Yu:* Responded, all Alcoholic beverages.

*Commissioner Sammut:* Responded, not understanding the application. Some of the conditions seem that should be attached anyway, as with any agreements they already have with Tanforan.

*Associate Planner Yu:* Questioned what items specifically?

*Commissioner Sammut:* Responded hours of operation, item #6, item #9, are these just listed?

*Associate Planner Yu:* Responded yes, the conditions can be attached because of the application of the use permit. The commission may establish hours of operation of a restaurant in conjunction with the sale of alcohol. It can mitigate what impact the sales of alcohol may have on surrounding business. In this case may not be necessary because it is in an enclosed shopping center.

*Commissioner Sammut:* Stated BJs sells alcohol. Doesn't recall application coming before the PC. Makes more sense when it is a stand alone, but when it is enclosed into a mall, some of this may be overkill on our part, but if it is things we can control because it requires a use permit.

*Associate Planner Yu:* Responded the city ordinance requires a use permit and the mall is no exception.

*Planning Manager Akin:* Although it is in the interior, the theatre will connect with this area, the police wanted to oversee this condition. The hour of operations will be important at that time and the applicant proposed, not us.

*Commissioner Chase:* Questioned item 14 and 15 – is that already in place? If it just a matter of boiler plate language being there as a double check measure. Doesn't see reason for it.

*Planning Manager Akin:* Responded, you are right, but they have to a security system consistent with mall regulations and police requirements. That would be a better way to word it and number 15, I think the police do want a contact. Any time they serve alcohol and have problems with it, the police want one consistent contact.

*Commissioner Chase:* Stated that this calls for after hours emergency contact. If they are closed and burglarized then they are going to want a contact, and I assume the police department would already have that since they are already in operation.

*Planning Manager Akin:* Responded, any time alcohol is served it can escalate what can happen on site, I don't think the applicant has a problem with that.

*Chair Mishra* asked the applicant to address the Commission and introduce the project.

*Not Present*

Public Comment opened.

Public Comment closed.

Commission for discussion.

*Commissioner Chase:* Asked, since there is no applicant, are they okay with all conditions?

*Planning Manager Akin:* Beilin has constant contact with applicant, and they received staff report to applicant and owner.

*Associate Planner Yu:* Sent a letter to applicant, advising meeting, unsure of their absence.

*Commissioner Chase:* we could have asked applicant. Thought they were present.

*Chair Mishra:* to staff, if item is approved, if applicant doesn't agree, what happens?

*Associate Planner Yu:* Responded that they can appeal to city council.

*City Attorney Thompson:* They can request a re-hearing. By absence he is acceptance of the conditions.

**Motion to approve Use Permit 05-78, based on Findings of Fact 1-7 and Conditions of Approval 1-15 with changes as above. Deleted 12. Changing wording on 4, 11 and 14.**

**Commissioner Sammut/Commissioner Chase**

VOTE:	5-0
AYES:	MISHRA; BIASOTTI; CHASE; JOHNSON; SAMMUT
NOES:	None
ABSTAIN:	None

## **FINDINGS FOR APPROVAL**

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Interior alteration to an existing facility.
2. The sale of beer and wine in conjunction with the specialty restaurant does not jeopardize, endanger or result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area since the sales of alcoholic beverages in conjunction with an existing restaurant located in the Food Court area of the Shops At Tanforan is compatible with the other restaurants located within the Food Court Area.
3. The sales of beer and wine in conjunction with the restaurant will not result in repeated nuisance activities or police interventions within the premises or in close proximity of the premises, especially in the late night or early morning hours since the tenant space is located within the Food Court of the Shops At Tanforan and has not resulted in nuisances in the past. The Police Department has thoroughly reviewed this application and added conditions of approval to help mitigate any possible impacts.
4. The activity or use does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute since by obtaining this Use Permit, and subsequently obtaining approval from the Department of Alcohol and Beverage Control the applicant will be in compliance with local and state regulations.
5. The upkeep and operating characteristics of the activity or use are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood since the proposed sale of alcoholic beverages in conjunction with the existing restaurant will improve the business of the existing restaurant and in turn will have a positive impact on the surrounding tenant spaces.
6. The proposal is consistent with the San Bruno General Plan, which designates the property for commercial purposes.
7. By obtaining this Use Permit, and subsequently obtaining approval from the Department of Alcohol and Beverage Control the applicant will be in compliance with local and state regulations. As required by the local and state law, the City will issue a "need and necessity" letter to the Department of Alcohol and Beverage Control upon approval of this Use Permit.

## **CONDITIONS OF APPROVAL**

### **COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS (1-11)**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary Hearing" to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Use Permit 06-13 shall not be valid for any purpose. Use Permit 06-13 shall expire one (1) year from the date of approval unless the plan is executed.
2. The applicant and any successor in interest, shall agree to operate the restaurant at 1150 El Camino Real #221 in the manner as described in the staff report and in the applicant's support statement. Any deviation or change in business activities shall require prior authorization by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.



3. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City.
4. The applicant shall conduct regular maintenance of the site to maintain the premises and remove debris and litter at the front and rear of the ~~building~~ tenant space.
5. The permitted hours of operation of the restaurant shall be from 10:00 am to 9:00 pm Monday through Saturday and 11:00 am to 7:00 pm on Sundays.
6. Any changes from the approved hours of operation shall require prior authorization of the Community Development Director.
7. The applicant shall comply with all Alcohol and Beverage Control requirements.
8. The applicant shall comply with all aspects of San Bruno Ordinance 1685 (refer to attachment). Non-compliance with these conditions may result in revocation of the use permit.
9. The applicant shall meet all San Mateo County Health Department requirements regarding the operation of a restaurant.
10. The applicant shall provide the signed copy of the Summary of Hearing (SOH) to the Alcohol, Beverage and Control Board. This SOH will serve as the Letter of Public Convenience or Necessity as required by the California Department of Alcoholic Beverage Control (ABC),

**POLICE DEPARTMENT CONDITIONS (12-16)**

11. Address numbers for the business are to be on a contrasting background, ~~easily visible from the street~~. The address numbers also must be visible at night. Address numbers must be affixed on or near any exterior door.
12. ~~Adequate lighting of grounds contiguous to the building shall be provided with enough lighting of sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe secure environment for all persons and property on site.~~
13. The applicant must obtain an A.B.C. license to sell alcohol on the premises and comply with all their rules and regulations.
14. The applicant must install a robbery and burglary alarm system ~~and the system will be monitored by an off site alarm company~~ consistent with mall security.
15. The applicant is responsible to submit emergency contact information to the police department for after hour's emergency contact.
16. It is highly recommended that the applicant consider installing a video surveillance system that is capable of recording and saving any crimes that are committed on the premises.

**Chair Mishra advised of a 10-day appeal period.**

**Chair Mishra recuse for next item. He is designer of project. Vice Chair Biasotti will take over now.**

**5. 349 Taylor Avenue**

**Request for a Minor Modification to allow the construction of an addition which proposes to encroach 2'-0" into the required 5'-0" side yard setback per Sections 12.120.010.B of the San Bruno Zoning Ordinance. – Sujendra Mishra (Applicant), Reshma (Owner). MM-06-05**

*Associate Planner Yu* entered staff report.

Staff Recommends approval of Minor Modification MM 06-05, based on Findings of Fact 1-6 and Conditions of Approval 1-18.

*Vice Chair Biasotti* asked Commission if there were any questions for staff.

*Vice Chair Biasotti* asked the applicant to address the Commission and introduce the project.

*Applicant:* Applicant introduced, Reshma, described project. Rear addition. Request for 3 foot set back instead of the 5 foot.

Public Comment opened.

Public Comment closed.

Commission for discussion.

To applicant: Have you read all conditions of approval and accept?

**Motion to approve Use Permit 06-05, based on Findings of Fact 1-4 and Conditions of Approval 1-22.**

**Commissioner Chase/Commissioner Sammut**

VOTE:	4-0
AYES:	BIASOTTI; CHASE; JOHNSON; SAMMUT
NOES:	None
ABSTAIN:	MISHRA

**FINDINGS OF FACT**

1. The general appearance of the reduced setback is in keeping with the character of the neighborhood because the reduced setback will be located to the rear of the existing residence and will not alter the appearance of the residence from the street.
2. The reduced setback will not be detrimental to the adjacent real property because the proposed addition is designed at the same height as the existing structure with a gable roof parallel to the property to the right, and with only one additional window on the right side elevation, therefore reducing the potential impact of the addition to the adjacent neighbor and providing for the maximum privacy and enjoyment of their property
3. The construction of the addition to the existing residence is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing private facility.

## **CONDITIONS OF APPROVAL**

### **Community Development – (650) 616-7074**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Architectural Review Meeting Minutes" to the Department of Community Development within 30 days of approval. Until such time as the Summary is filed, the Minor Modification Permit (MM-06-05) shall not be valid for any purpose. The Minor Modification permit shall expire one (1) year from the date of approval unless a building permit has been secured prior to the expiration date.
2. The proposal to build an addition at 349 Taylor Avenue shall be built according to the plans on file in the Planning Department and approved by the Architectural Review Committee on May 16, 2006, except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Community Development Director.
3. The addition must be set back at least 6'-0" from the existing accessory structure.
4. The applicant shall obtain a City building permit before construction can proceed.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City.
6. This application is subject to all future conditions of the Building Division at time of Building Division submittal.
7. Eaves cannot project closer than 30" to property line due to required windows.
8. Eaves within 3ft of property line to be one hour construction, detailing required.
9. Site is sloping, relatively accurate elevations required showing terrain adjacent to building.
10. Site drainage to be reconciled to provide surface water positive flow to street curb and surface water flow wholly contained on the property so it will not flow to neighboring property.

### **Public Works Department – (650) 616-7065**

11. No fence, retaining wall, or other permanent structure to be placed within 2' from back of sidewalk. S.B.M.C. 8.08.010
12. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010
13. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
14. Paint address number on face of curb near driveway approach. Black lettering on white background.
15. Replace all broken or raised concrete in sidewalk or driveway approach as marked. S.B.M.C. 8.12.010. Marking shall take place under Building Review.
16. Erosion control plan and storm water pollution plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform with the current NPDES requirements. S.B.M.C. 12.16.020

17. Storm water from new and existing roof down-spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1
18. Remove weeds and grass from sidewalk, curb and gutter. Prune other plantings in the right-of-way. S.B.M.C. 8.24.140/150/180
19. Planting of one 36-inch box size approved tree or payment of \$540.00 each to the in-lieu replacement tree fund. S.B.M.C. 8.24.060

**Fire Department – (650) 616-7096**

20. Provide minimum 4" illuminated address numbers.
21. Provide hardwired smoke detectors with battery backup at all bedrooms and hallways
22. Provide spark arrestor for chimney if present.

**Vice Chair Biasotti advised of a 10-day appeal period.**

**Chair Mishra Returns**

**F. Discussion**

1. City Staff Discussion
  - a. Select June 15, 2006 Architectural Review Committee Members – Biasotti, Commissioner Chase and Commissioner Sammut
  - b. Running list of action items. Given to Chair. Any information on this topics will be brought up at future meetings.
  - c. AB1234 training, we will confirm reservations for June 16 meeting.

2. Planning Commission Discussion  
Commissioner Chase to Tony-outstanding staff report on item E2.

Mishra: Comments from the public about the enforcement on conditions of approval and that they have not been enforced, what is the process for non compliance.

Aknin: tracking, mostly by complaints. Repeat violators can have hearings on the use permits they can lose the right to operate.

Mishra: If members of public call, how is it handled.

Aknin: all minutes and conditions can be accessed, if major, then we follow up with a call to applicant, if needed file a code enforcement case and follow up. Best if Planner makes contact first.

Commissioner Johnson: item 3 – wished that put in the conditions that we put something in for a review process. Thought after it was voted on. Any way to monitor than wait for complaints.

Aknin: it is hard to place an annual review on a use permit. Better for us to keep an eye on. Since it is next to city hall, constant review.

Commissioner Chase: that parking facility that will exist, compare to San Bruno Ford, this space based on info we have before us, the traffic seems much less, more better use of the property. This will be a better fit overall.

Aknin: agrees and we have learned from San Bruno Ford.

## **G. Adjournment**

Meeting was adjourned at 8:23 pm

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**Tambri Heyden**

Secretary to the Planning Commission  
City of San Bruno

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**Sujendra Mishra, Chair**

Planning Commission  
City of San Bruno

**NEXT MEETING: June 20, 2006**

TH/ch